

THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re RMAA Real Estate Holdings, L.L.C.                     )  
   ) Docket Number 10-16505-RGM  
Alleged Debtor   ) Chapter 11

**DESIGNATION OF ISSUES AND RECORD ON APPEAL**

Pursuant to Fed. R. Bank P. 8006, Brett Amendola, Roger Amendola, and Brevon Developers, Inc. state as follows:

**DESIGNATION OF ISSUES ON APPEAL**

The issues to be considered through their appeal of the orders granting the motion for relief from the automatic stay (the “Motion for Relief”) entered the 10th day of September 10, 2010 as Docket Entries Numbered 21, 22, and 24 are whether:

- (1) the bankruptcy judge should have allowed adequate protection payments to Access National Bank (“ANB”), either through the pendency of this bankruptcy proceeding or pending a continuation of the proceedings upon the Motion for Relief;
- (2) ANB could be adequately protected pending further proceedings before the bankruptcy judge;
- (3) the bankruptcy judge should have conducted the final hearing upon the Motion for Relief on August 11, 2010;
- (4) the bankruptcy judge should have continued proceedings upon the Motion for Relief

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from August 11, 2010 to another date as to allow the petitioning creditors an opportunity to obtain an appraisal of the subject property and to obtain evidence from Roger Amendola in opposition to the Motion for Relief;

(5) the payments made to ANB after January 1, 2009 were sufficient to, show good faith, to negate any finding of bad faith, or to negate any finding or conclusion that cause existed to terminate the automatic stay;

(6) the conduct of persons other than the debtor may be considered as a basis to terminate the automatic stay;

(7) there was equity of the subject property;

(8) continued use and possession of the property was necessary to effectuate a reorganization; and

(9) it was appropriate to grant “*in rem*” relief as to the subject property.

#### **DESIGNATION OF THE RECORD**

The matters which should comprise the record on appeal are:

- (1) the Motion for Relief [Docket Entry Number 3];
- (2) the Opposition to the Motion for Relief [Docket Entry Number 10];
- (3) the documents/exhibits proffered by petitioning creditors, including proposed exhibit B;
- (4) the Order entered September 10, 2010 [Docket Entry Number 21];
- (5) the Order entered September 10, 2010 [Docket Entry Number 22];
- (6) the Order entered September 10, 2010 [Docket Entry Number 24]; and
- (7) the transcript of proceedings on August 11, 2010.

Respectfully submitted:

/s/ John P. Forest, II  
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**CERTIFICATE**

I hereby certify that on October 8, 2010, that I have electronically served and/or mailed,  
first class postage prepaid, a true and correct copy of the foregoing DESIGNATION OF ISSUES  
ON APPEAL to/upon:

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